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UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

In re:

POTENTIAL DYNAMIX LLC,

Debtor.

Case No. 2:11-bk-28944-DPC

Chapter 11

Adv. No. 2-13-ap-00799

TIMOTHY H. SHAFFER, Chapter 11
Trustee,

Plaintiff,

vs.

AMAZON SERVICES LLC,

Defendant.

**NOTICE OF LODGING
PROPOSED ORDER
GRANTING AMAZON'S
MOTION TO STAY
ENFORCEMENT OF
JUDGMENT PENDING APPEAL
WITHOUT POSTING BOND**

PURSUANT TO THE REQUEST OF THE COURT, NOTICE is hereby given that on March 8, 2023, Amazon Services, LLC, by and through undersigned counsel, lodged a proposed order granting Amazon's Motion to Stay Enforcement of Judgment Pending Appeal Without Posting Bond or, in the Alternative, to Approve Bond, DE 428. The proposed order is attached hereto as Exhibit A. Counsel for Timothy H. Shaffer reviewed and approved the proposed order as to form and content.

Dated: March 8, 2023

PERKINS COIE LLP

By: s/ Eric J. Weiss

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Attorneys for Amazon Services LLC

1 **CERTIFICATE OF SERVICE**

2 On this date I caused to be served on each of the attorneys identified below, via the
3 delivery methods indicated below, a copy of the foregoing document:

4
5 James E. Cross
6 Cross Law Firm, PLC
7 1850 N. Central Avenue, Suite 1150
8 Phoenix, AZ 85004
9 jcross@crosslawaz.com

10 *Attorneys for Chapter 7 Trustee*

11 **X** Via the Clerk's eFiling Application
12 _____ Via U.S. Mail, 1st Class
13 _____ Via Overnight Delivery
14 _____ Via Facsimile
15 **X** Via Email
16 _____ Other: _____

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Dated: March 8, 2023

By: s/ Eric J. Weiss
(Admitted *Pro Hac Vice*)

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EXHIBIT A

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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In re:
POTENTIAL DYNAMIX LLC,
Debtor.

TIMOTHY H. SHAFFER, Chapter 11
Trustee,
Plaintiff,
vs.
AMAZON SERVICES LLC,
Defendant.

Case No. 2:11-bk-28944-DPC

Chapter 11

Adv. No. 2:13-ap-00799

**ORDER GRANTING
AMAZON'S MOTION TO
STAY ENFORCEMENT OF
JUDGMENT PENDING
APPEAL WITHOUT POSTING
BOND**

The Court, having considered Defendant Amazon Services LLC's Motion to Stay Enforcement of Judgment Pending Appeal Without Posting Bond or, in the Alternative, to Approve Bond, DE 428; Plaintiff Timothy H. Shaffer's (the "Trustee") opposition to the motion, DE 435; Amazon's reply in support of the motion, DE 438; and the argument of both parties during a hearing on February 28, 2023,

HEREBY ORDERS:

Amazon's motion, DE 428, is GRANTED. Enforcement of the Court's judgment is stayed until the parties exhaust their appellate rights. Amazon is not required to post a bond or other security to secure the stay of enforcement. However, the stay is subject to the following conditions: (1) if, after both parties exhaust their appellate rights, the judgment

1 against Amazon is affirmed in whole or in part, Amazon must pay any amounts it owes to
2 the Trustee within ten business days of receiving a written demand from the Trustee for
3 payment; and (2) if, after one year from the date this order is entered, the Trustee believes
4 that Amazon might not be able to satisfy the judgment amount after the parties' appeal is
5 complete, the Trustee may move to lift the stay or to require Amazon to post a bond or other
6 security in the Court's registry.

7
8 **DATED AND SIGNED ABOVE**

9
10 APPROVED AS TO FORM AND CONTENT BY

11
12 *s/ Eric J. Weiss*

13 Richard M. Lorenzen (Bar No. 006787)
14 John S. Kaplan (*Pro Hac Vice*)
15 Eric J. Weiss (*Pro Hac Vice*)
16 Mallory Gitt Webster (*Pro Hac Vice*)
Dane A. Westermeyer (*Pro Hac Vice*)

PERKINS COIE LLP

Attorneys for Amazon Services LLC

s/ James Cross (with permission)

James E. Cross, Esq.

CROSS LAW FIRM, PLC

*Attorneys for Chapter 7 Trustee, Timothy
H. Shaffer*